FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1672 OF 2005
WITH
CIVIL APPLICATION NO.1673 OF 2005
IN
FIRST APPEAL (ST) NO.9224 OF 2005

ALONG WITH

CIVIL APPLICATION NO.1715 OF 2005
WITH
CIVIL APPLICATION NO.1716 OF 2005
IN
FIRST APPEAL (ST) NO.9477 OF 2005

ALONG WITH

CIVIL APPLICATION NO.1717 OF 2005
WITH
CIVIL APPLICATION NO.1718 OF 2005
IN
FIRST APPEAL (ST) NO.9480 OF 2005

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	:	Court's or Judge's Orders

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Mr. Y.S. Jahagirdar, senior advocate with Mr. P.S. Dani i/b M/s. Mulla & Mulla & Craigie Blunt & Caroe in First Appeal (St) No.9224 of 2005

Mr. Y.S. Jahagirdar, senior counsel with Mr. S.S. Shah i/b M/s. Maneksha & Sethna for respondents in First Appeal (St) No.9477 of 2005 and First Appeal (St) No.9480 of 2005.

Mr. P.P. Kakade, A.G.P. for respondent 1 in all matters.

Mr. S.G. Page with Mr. Surana for respondent 2 in all matters.

CORAM: SMT. RANJANA DESAI, J.

DATED: 15TH APRIL, 2005.

P.C.:-

Heard the learned counsel for the parties.

For the reasons stated in the civil applications for condonation of delay, the delay is condoned.

After reading the plaints in all these matters, it is absolutely clear that the instant suits are filed under section 6 of the Specific Relief Act and, therefore, the suits are not maintainable. The view expressed by the trial court in that behalf is correct. Needless to say that even the first appeals are also not maintainable and, hence, all these first appeals will have to be rejected and are rejected as such.

However, it will be open to the appellants to adopt such other available remedy if they are so advised to get the question of title adjudicated upon. It is clarified that this court has not expressed any opinion either way on the question of title of the appellants and, if the appellants adopt any other remedy the

court seized of the matters shall deal with it independently and in accordance with law. It is also clarified that if the appellants file any proceedings to establish their title, the findings on title given in the impugned judgments in the instant suits, which are not maintainable, would not come in their way and the courts seized of such proceedings should deal with them independently in accordance with law.

Mr. Kakade, the learned A.G.P. for the State and Mr. Page, the learned counsel appearing for respondent 2 state that till 29/4/2005 for a period of two weeks, the State Government and respondent 2 shall maintain status quo.

First appeals are rejected.

All civil applications are also disposed of.

All concerned to act on the authenticated copy of this order.

(SMT. RANJANA DESAI, J.)